

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re Flint Water Cases*

Case no. 5:16-cv-10444-JEL-MKM  
(Consolidated)

Hon. Judith E. Levy

**CLASS PLAINTIFFS' NOTICE OF PROPOSED AGENDA ITEMS FOR  
DECEMBER 21, 2022 STATUS CONFERENCE**

Pursuant to the Court's Order Setting Deadlines Related to December 21, 2022 Status Conference (ECF No. 2286), Class Plaintiffs hereby propose the following agenda items for the conference scheduled for December 21, 2022:

1. Class Plaintiffs' challenge to Veolia's privilege designation of a document identified as VEOLIA\_0406094 on Veolia's privilege log, in light of the waiver of any potential privilege because the document was shared with third party Jonathan Karush. *See* Exhibit A.
2. Class Plaintiffs' request to limit the deposition of expert Dr. Larry Russell to one seven-hour day, and to limit the subject matter of Dr. Russell's deposition to events that have occurred and reports that have been served since the last time Defendants deposed Dr. Russell.

Dated: December 14, 2022

Respectfully submitted,

By: /s/ Theodore J. Leopold  
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***EXECUTIVE COMMITTEE FOR  
CLASS PLAINTIFFS***

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the Court's electronic submission system. Notice of the filing was sent to all parties by operation of the Court's electronic filing system. I declare the above statement is true and to the best of my knowledge, information and belief.

Dated: December 14, 2022

/s/ Stephen Morrissey  
Stephen Morrissey

# **Exhibit A**

**Subject:** Re: Flint: Response re: VNA Privilege Logs  
**Date:** Monday, November 28, 2022 at 2:55:28 PM Pacific Standard Time  
**From:** Jordan Connors  
**To:** Devine, Alaina N., Corey Stern, Campbell, James M., Dupre, Kristin M., bush@bsplaw.com, Ter Molen, Mark, McElvaine, Bryan D., Christian, Marcus A., Ringstad, Andreas, molsen@mayerbrown.com  
**CC:** Melanie Daly, Kimberly Lynn Russell, Mason, Wayne B., Kent, David C., Philip Erickson, Ted Leopold, Hunter Shkolnik, Paul Napoli, Patrick Lanciotti, Kuhl, Richard (AG), Bettenhausen, Margaret (AG), William Kim, Sheldon Klein, Berg, Rick, Thompson, Craig S., Susan E. Smith, bmacdonald@ccglawyers.com, Todd Weglarz, Todd Weglarz, Donald Dawson, Williams, Michael L. (CIV), eric.A.Rey@usdoj.gov  
**Attachments:** image001.jpg

Counsel,

Please respond to my November 18 message, which appears again below.

Kind regards,  
Jordan

---

Jordan W Connors  
Partner | SUSMAN GODFREY LLP  
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**From:** Jordan Connors <jconnors@SusmanGodfrey.com>  
**Date:** Friday, November 18, 2022 at 12:05 PM  
**To:** Devine, Alaina N. <ADevine@Campbell-trial-lawyers.com>, Corey Stern <CStern@levylaw.com>, Campbell, James M. <jmcampbell@Campbell-trial-lawyers.com>, Dupre, Kristin M. <KDupre@Campbell-trial-lawyers.com>, bush@bsplaw.com <bush@bsplaw.com>, Ter Molen, Mark <MTerMolen@mayerbrown.com>, McElvaine, Bryan D. <bmcelvaine@campbelltriallawyers.com>, Christian, Marcus A. <MChristian@mayerbrown.com>, Ringstad, Andreas <aringstad@campbell-trial-lawyers.com>, molsen@mayerbrown.com <molsen@mayerbrown.com>  
**Cc:** Melanie Daly <mdaly@levylaw.com>, Kimberly Lynn Russell <klrussell@levylaw.com>, Mason, Wayne B. <wayne.mason@faegredrinker.com>, Kent, David C. <david.kent@faegredrinker.com>, Philip Erickson <PErickson@plunkettcooney.com>, Ted Leopold <tleopold@cohenmilstein.com>, Hunter Shkolnik <Hunter@nsprlaw.com>, Paul Napoli <PNapoli@nsprlaw.com>, Patrick Lanciotti <PLanciotti@napolilaw.com>, Kuhl, Richard (AG) <KuhlR@michigan.gov>, Bettenhausen, Margaret (AG) <BettenhausenM@michigan.gov>, William Kim <wkim@cityofflint.com>, Sheldon Klein <klein@butzel.com>, Berg, Rick <Bergf@butzel.com>, Thompson, Craig S. <cthompson@sullivanwardlaw.com>, Susan E. Smith <ssmith@bdlaw.com>, bmacdonald@ccglawyers.com <bmacdonald@ccglawyers.com>, Todd Weglarz <t.weglarz@fiegerlaw.com>, Todd Weglarz <tweglarz@fiegerlaw.com>, Donald Dawson

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**Subject:** Re: Flint: Response re: VNA Privilege Logs

Thank you.

Class Plaintiffs challenge the privilege claim to VEOLIA\_0406094, which was sent to Jonathan Karush. At Karush's deposition earlier this week, he testified that he did not do any work at the direction of counsel, did not receive legal advice from Veolia's counsel, and was not asked to keep information he received from Veolia confidential. Considering that VEOLIA\_0406094 was sent to Mr. Karush, any privilege claim with respect to that document has been waived. Please produce VEOLIA\_0406094, and any other documents on Veolia's privilege log sent to Mr. Karush, in full with no redactions.

Kind regards,  
Jordan

---

Jordan W Connors

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**From:** Devine, Alaina N. <ADevine@Campbell-trial-lawyers.com>

**Date:** Friday, November 18, 2022 at 11:27 AM

**To:** Jordan Connors <jconnors@SusmanGodfrey.com>, Corey Stern <CStern@levylaw.com>, Campbell, James M. <jmcampbell@Campbell-trial-lawyers.com>, Dupre, Kristin M. <KDupre@Campbell-trial-lawyers.com>, bush@bsplaw.com <bush@bsplaw.com>, Ter Molen, Mark <MTerMolen@mayerbrown.com>, McElvaine, Bryan D. <bmcelvaine@campbelltriallawyers.com>, Christian, Marcus A. <MChristian@mayerbrown.com>, Ringstad, Andreas <aringstad@campbell-trial-lawyers.com>, molsen@mayerbrown.com <molsen@mayerbrown.com>

**Cc:** Melanie Daly <mdaly@levylaw.com>, Kimberly Lynn Russell <klrussell@levylaw.com>, Mason, Wayne B. <wayne.mason@faegredrinker.com>, Kent, David C. <david.kent@faegredrinker.com>, Philip Erickson <PErickson@plunkettcooney.com>, Ted Leopold <tleopold@cohenmilstein.com>, Hunter Shkolnik <Hunter@nsprlaw.com>, Paul Napoli <PNapoli@nsprlaw.com>, Patrick Lanciotti <PLanciotti@napolilaw.com>, Kuhl, Richard (AG) <KuhlR@michigan.gov>, Bettenhausen, Margaret (AG) <BettenhausenM@michigan.gov>, William Kim <wkim@cityofflint.com>, Sheldon Klein <klein@butzel.com>, Berg, Rick <Bergf@butzel.com>, Thompson, Craig S. <cthompson@sullivanwardlaw.com>, Susan E. Smith <ssmith@bdlaw.com>, bmacdonald@ccglawyers.com <bmacdonald@ccglawyers.com>, Todd Weglarz <t.weglarz@fiegerlaw.com>, Todd Weglarz <tweglarz@fiegerlaw.com>, Donald Dawson <d.dawson@fiegerlaw.com>, Williams, Michael L. (CIV) <Michael.L.Williams@usdoj.gov>, eric.A.Rey@usdoj.gov <Eric.A.Rey@usdoj.gov>

**Subject:** RE: Flint: Response re: VNA Privilege Logs

EXTERNAL Email

Jordan,

I am reattaching here the most updated privilege log across all of the VNA document productions to date, which was sent to you on Friday of last week.

Thank you,

*Alaina N. Devine*  
**Campbell Conroy & O'Neil**  
**Professional Corporation**



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---

**From:** Jordan Connors <jconnors@SusmanGodfrey.com>

**Sent:** Wednesday, November 16, 2022 12:51 PM

**To:** Devine, Alaina N. <ADevine@Campbell-trial-lawyers.com>; Corey Stern <CStern@levylaw.com>; Campbell, James M. <jmcampbell@Campbell-trial-lawyers.com>; Dupre, Kristin M. <KDupre@Campbell-trial-lawyers.com>; bush@bsplaw.com; Ter Molen, Mark <MTerMolen@mayerbrown.com>; McElvaine, Bryan D. <bmcelvaine@campbelltriallawyers.com>; Christian, Marcus A. <MChristian@mayerbrown.com>; Ringstad, Andreas <aringstad@campbell-trial-lawyers.com>; molsen@mayerbrown.com

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**Subject:** Re: Flint: Response re: VNA Privilege Logs



Alaina,

With several iterations of Veolia's privilege logs, we are having a hard time figuring out what is the latest state of play with regard to Veolia's privilege claims. Would you please let us know the current list of documents over which Veolia maintains a privilege claim? You might either send us a set of privilege logs, which together make up the full set of privilege claims, or put them all on one log.

Kind regards,  
Jordan

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**From:** Devine, Alaina N. <[ADevine@Campbell-trial-lawyers.com](mailto:ADevine@Campbell-trial-lawyers.com)>  
**Date:** Friday, November 11, 2022 at 11:01 AM  
**To:** Corey Stern <[CStern@levylaw.com](mailto:CStern@levylaw.com)>, Campbell, James M. <[jmcampbell@Campbell-trial-lawyers.com](mailto:jmcampbell@Campbell-trial-lawyers.com)>, Dupre, Kristin M. <[KDupre@Campbell-trial-lawyers.com](mailto:KDupre@Campbell-trial-lawyers.com)>, [bush@bsplaw.com](mailto:bush@bsplaw.com) <[bush@bsplaw.com](mailto:bush@bsplaw.com)>, Ter Molen, Mark <[MTerMolen@mayerbrown.com](mailto:MTerMolen@mayerbrown.com)>, McElvaine, Bryan D. <[bmcelvaine@campbelltriallawyers.com](mailto:bmcelvaine@campbelltriallawyers.com)>, Christian, Marcus A. <[MChristian@mayerbrown.com](mailto:MChristian@mayerbrown.com)>, Ringstad, Andreas <[aringstad@campbell-trial-lawyers.com](mailto:aringstad@campbell-trial-lawyers.com)>, [molsen@mayerbrown.com](mailto:molsen@mayerbrown.com) <[MOlsen@mayerbrown.com](mailto:MOlsen@mayerbrown.com)>  
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**Subject:** RE: Flint: Response re: VNA Privilege Logs

EXTERNAL Email

Password: 0rUGI&h=

*Alaina N. Devine*  
Campbell Conroy & O'Neil  
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---

**From:** Devine, Alaina N.

**Sent:** Friday, November 11, 2022 2:01 PM

**To:** Corey Stern <[CStern@levylaw.com](mailto:CStern@levylaw.com)>; Campbell, James M. <[jmcampbell@Campbell-trial-lawyers.com](mailto:jmcampbell@Campbell-trial-lawyers.com)>; Dupre, Kristin M. <[KDupre@Campbell-trial-lawyers.com](mailto:KDupre@Campbell-trial-lawyers.com)>; [bush@bsplaw.com](mailto:bush@bsplaw.com); Ter Molen, Mark <[MTerMolen@mayerbrown.com](mailto:MTerMolen@mayerbrown.com)>; McElvaine, Bryan D. <[bmcelvaine@campbelltriallawyers.com](mailto:bmcelvaine@campbelltriallawyers.com)>; Christian, Marcus A. <[MChristian@mayerbrown.com](mailto:MChristian@mayerbrown.com)>; Ringstad, Andreas <[aringstad@campbell-trial-lawyers.com](mailto:aringstad@campbell-trial-lawyers.com)>; [molsen@mayerbrown.com](mailto:molsen@mayerbrown.com)

**Cc:** Melanie Daly <[mdaly@levylaw.com](mailto:mdaly@levylaw.com)>; Kimberly Lynn Russell <[klrussell@levylaw.com](mailto:klrussell@levylaw.com)>; Mason, Wayne B. <[wayne.mason@faegredrinker.com](mailto:wayne.mason@faegredrinker.com)>; Kent, David C. <[david.kent@faegredrinker.com](mailto:david.kent@faegredrinker.com)>; Philip Erickson <[PErickson@plunkettcooney.com](mailto:PErickson@plunkettcooney.com)>; Ted Leopold <[tleopold@cohenmilstein.com](mailto:tleopold@cohenmilstein.com)>; Jordan Connors <[jconnors@susmangodfrey.com](mailto:jconnors@susmangodfrey.com)>; Hunter Shkolnik <[Hunter@nsprlaw.com](mailto:Hunter@nsprlaw.com)>; Paul Napoli <[PNapoli@nsprlaw.com](mailto:PNapoli@nsprlaw.com)>; Patrick Lanciotti <[PLanciotti@napolilaw.com](mailto:PLanciotti@napolilaw.com)>; Kuhl, Richard (AG) <[KuhlR@michigan.gov](mailto:KuhlR@michigan.gov)>; Bettenhausen, Margaret (AG) <[BettenhausenM@michigan.gov](mailto:BettenhausenM@michigan.gov)>; William Kim <[wkim@cityofflint.com](mailto:wkim@cityofflint.com)>; Sheldon Klein <[klein@butzel.com](mailto:klein@butzel.com)>; Berg, Rick <[Bergf@butzel.com](mailto:Bergf@butzel.com)>; Thompson, Craig S. <[cthompson@sullivanwardlaw.com](mailto:cthompson@sullivanwardlaw.com)>; Susan E. Smith <[ssmith@bdlaw.com](mailto:ssmith@bdlaw.com)>; [bmacdonald@ccglawyers.com](mailto:bmacdonald@ccglawyers.com); Todd Weglarz <[t.weglarz@fiegerlaw.com](mailto:t.weglarz@fiegerlaw.com)>; Todd Weglarz <[tweglarz@fiegerlaw.com](mailto:tweglarz@fiegerlaw.com)>; Donald Dawson <[d.dawson@fiegerlaw.com](mailto:d.dawson@fiegerlaw.com)>; Williams, Michael L. (CIV) <[Michael.L.Williams@usdoj.gov](mailto:Michael.L.Williams@usdoj.gov)>; [eric.A.Rey@usdoj.gov](mailto:eric.A.Rey@usdoj.gov)

**Subject:** Flint: Response re: VNA Privilege Logs

Corey,

We have reviewed your letter dated November 4, 2022 regarding VNA's privilege log. As an initial matter, the list you sent has 41 entries but contains several duplicate documents as evidenced by the SourceIDs. The following row numbers are duplicates: 3, 4, 7, 9, 10, 12, 13, 15, 17, 19, 22, 25, 27, 30, 33 and 42. As a result, we have identified a total of 24 documents that you are challenging.

Most of the documents you identify have already been produced to the parties in unredacted form as part of Campbell PROD 010 and Campbell PROD 012. They should be removed from the privilege log, and we have done so in the attached. Please

let us know if you need us to produce copies of these documents to you again. The documents that have already been produced are:

1. VEOLIA\_0410440 – Produced in Campbell PROD 012 Supplemental
2. VEOLIA\_0410445 – Produced in Campbell PROD 012 Supplemental
3. VEOLIA\_0410447 – Produced in Campbell PROD 012 Supplemental
4. VEOLIA\_0410449 – Produced in Campbell PROD 012 Supplemental
5. VEOLIA\_0410622 – Produced in Campbell PROD 012 Supplemental
6. VEOLIA\_0410624 – Produced in Campbell PROD 012 Supplemental
7. VEOLIA\_0410630 – Produced in Campbell PROD 012 Supplemental
8. VEOLIA\_0410633 – Produced in Campbell PROD 012 Supplemental
9. VEOLIA\_0410643 – Produced in Campbell PROD 012 Supplemental
10. VEOLIA\_0410664 – Produced in Campbell PROD 012 Supplemental
11. VEOLIA\_0411104 – Produced in Campbell PROD 012 Supplemental
12. VEOLIA\_0419469 – Produced in Campbell PROD 010 Supplemental
13. VEOLIA\_0419481 – Produced in Campbell PROD 010 Supplemental
14. VEOLIA\_0419491 – Produced in Campbell PROD 010 Supplemental
15. VEOLIA\_0419494 – Produced in Campbell PROD 010 Supplemental
16. VEOLIA\_0419619 – Produced in Campbell PROD 010 Supplemental
17. VEOLIA\_1028511 – Produced in Campbell PROD 012 Supplemental

Of the remaining 7 documents, VNA has evaluated your request and agrees to produce 5 of the documents, which can be downloaded from the following link (a password will follow in a separate email): <https://campbell-trial-lawyers.sharefile.com/d-s8c6a11b4fcf1461cb051704aac1d4c1f>

VNA maintains its privilege assertion as to VEOLIA\_1022144 and VEOLIA\_1028278 as these documents are attachments to emails with legal counsel for the purpose of obtaining legal advice and in anticipation of litigation.

Nothing in this communication or document production should be construed as a waiver of any privilege assertions as to any other documents.

Thank you,

*Alaina N. Devine*  
**Campbell Conroy & O'Neil**  
**Professional Corporation**



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Boston, MA 02129  
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---

**From:** Corey Stern <[CStern@levylaw.com](mailto:CStern@levylaw.com)>

**Sent:** Friday, November 4, 2022 9:08 AM

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**Subject:** FWC - Veolia Privilege Logs

Counselors:

See correspondence to the Veolia Defendants' attorneys, attached.

Best,

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